

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARNELL MCGARY,

Plaintiff,

v.

DR MARK MCCLUNG,

Defendant(s).

CASE NO.C05-5376RBL

ORDER DENYING DEFAULT

The Motion for Default has been considered together with the files and records in the case and is **DENIED** as to the named defendant(s) for the following reason:

(☒) An Answer or responsive pleading has been filed by the defendants(s).

() The United States has 60 days in which to answer the summons pursuant to FRCP 12(a)(3). According to the returns, in the file, the summons were issued on _____ and executed by certified mail _____.

() Proof of service of the summons and complaint has not been separately filed with the court in accordance with Fed.R.Civ.P. 4 (e)(1).

() There is no proof that the plaintiff has served this motion for default on defense counsel.

The pending motion for default judgment, if any, against these defendants is **DENIED AS MOOT**.

DATED: May 11, 2006

BRUCE RIFKIN, Clerk

By: /s/ Jean Boring
DEPUTY CLERK